

Application Serial No. 10/564,873

60,469-250
OT-5166

OCT 11 2006

REMARKS

Applicants thank the Examiner for the remarks and analysis contained in the Office Action. Claims 1-11 and 13-19 have been amended and a new claim 20 is added. Claims 1-20 are pending. Applicant respectfully requests reconsideration of this application.

1. Rejection of Claims 1-5, 9, and 12 under 35 U.S.C. § 102

The Examiner rejected claims 1-5, 9, and 12 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,307,904 ("Yoo"). For at least the following reasons, Applicants respectfully traverse this rejection.

Yoo's spring buffers 30, which the Examiner analogizes to the "second, passive bias" recited in claim 1, are not part of a termination. Yoo's spring buffers 30 are intended to absorb an impact of the crosshead 6 of the elevator car frame 4 in the event that the car approaches the stopping plate 24 and the safety assemblies 26. *See* Yoo at col. 3, lines 53-57. The spring buffers 30 are not a bias of the termination. The only bias of the termination of Yoo is provided by the springs 14. *See* Yoo at col. 3, lines 19-21. This can best be appreciated by considering Figure 3, for example. Because the spring buffers 30 are not part of a termination, they do not constitute the first or second bias of Applicant's claim 1.

There is no anticipation of any of claims 1-5, 9 or 12. Therefore, a withdrawal of the rejection of claims 1-5, 9, and 12 under 35 U.S.C. § 102(b) for anticipation by Yoo is warranted and respectfully requested.

2. Rejection of Claims 6-8, 10, 11, and 13-19 under 35 U.S.C. § 103(a)

The Examiner rejected: (a) claims 6-8, 11, and 13-19 as allegedly being obvious when considering Yoo in view of U.S. Patent No. 6,216,824 ("Fuller"); and (b) claim 10 as allegedly being obvious when considering Yoo and Fuller in view of U.S. Patent No. 6,123,176 ("O'Donnell"). For at least the following reasons, Applicants respectfully traverse each of these rejections.

The Examiner's proposed combination of Yoo and Fuller cannot be made and there is no *prima facie* case of obviousness. The Examiner's proposal to modify Yoo by moving Yoo's spring buffers 30 between the top crosshead 6 and the hitch plate 12 is not possible under 35 U.S.C. § 103. Where a proposed modification to a reference defeats an intended purpose or removes an important feature from the reference, there is no motivation for

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making the modification and there is no *prima facie* case of obviousness. See M.P.E.P. § 2143.01(V).

In this instance, if one were to take Yoo's spring buffers 30 off the stopping plate 24 and place them between the top crosshead 6 and the hitch plate 12, that would remove them from their necessary position on the stopping plate 24. The spring buffers 30 would no longer function as buffers to prevent a collision between the top of the car frame 4 and the safety assemblies 26 or the stopping plate 24. Therefore, the proposed modification to Yoo cannot be made and, there is no *prima facie* case of obviousness.

The proposed addition of O'Donnell does not remedy the defect in the proposed base combination of Yoo and Fuller.

Therefore, a withdrawal of the rejections under 35 U.S.C. § 103(a) for obviousness is warranted and respectfully requested.

CONCLUSION

This case is in condition for allowance. If the Examiner believes that a telephone conference will be useful to move this case forward toward issue, Applicant's representative will be happy to discuss any issues regarding this application and can be contacted at the telephone number indicated below.

Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,

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Dated: October 11, 2006

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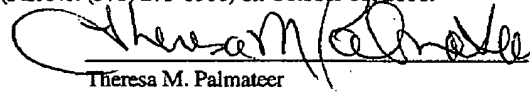
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CERTIFICATE OF FACSIMILE

I hereby certify that this Response, relative to Application Serial No. 10/564,873 is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on October 11, 2006.


Theresa M. Palmateer

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